

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

VARTAURSE CORNELIOUS PENNS

PLAINTIFF

VERSUS

Civil No. 1:14cv399-HSO-JCG

B. THOMPSON, et al.

DEFENDANTS

**ORDER ADOPTING REPORT AND RECOMMENDATION
TO DISMISS FOR FAILURE TO PROSECUTE**

This matter comes before the Court on the Report and Recommendation [72] of United States Magistrate Judge John C. Gargiulo entered on July 7, 2015. Magistrate Judge Gargiulo reviewed the record and determined that this civil action should be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(b) for Plaintiff's failure to prosecute, failure to comply with numerous Orders of the Court, and failure to keep the Court apprised of his current address. To date, no objection to the Report and Recommendation has been filed. The Court has thoroughly reviewed the findings in the Report and Recommendation and concludes that the Magistrate Judge properly recommended that this action be dismissed and all remaining pending motions denied as moot.

Where no party has objected to a magistrate judge's report and recommendation, the Court need not conduct a *de novo* review. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made."). In such cases, the Court need only determine whether the Report and Recommendation is clearly erroneous or contrary to law. *United States v. Wilson*,

864 F.2d 1219, 1221 (5th Cir. 1989). Having reviewed the record, the Court finds that the Magistrate Judge's Report and Recommendation thoroughly considered the facts and issues, and is neither clearly erroneous, nor contrary to law.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Report and Recommendation [72] of Magistrate Judge John C. Gargiulo entered on July 7, 2015, is **ADOPTED** as the finding of this Court. This civil action will be **DISMISSED WITH PREJUDICE**. A separate Final Judgment will be entered in accordance with Federal Rule of Civil Procedure 58.

IT IS, FURTHER, ORDERED AND ADJUDGED that the Motion to Dismiss [43] filed by Defendant Wesley Health System, LLC, and the Motion to Dismiss [59] filed by Defendant Brooke Huff Brown are **DENIED AS MOOT**.

IT IS, FURTHER, ORDERED AND ADJUDGED that the Clerk shall mail copies of this Order and the Final Judgment entered herewith via certified mail both to Plaintiff's address of record and to the two addresses provided by Defense counsel: 250 Rodenburg, Biloxi, Mississippi, 39530, and 258 Rodenberg, Apt. A, Biloxi, Mississippi 39531.

SO ORDERED AND ADJUDGED, this the 3rd day of August, 2015.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE